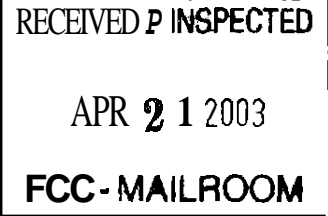


Federal Communications Commission
Washington, D.C. 20554




In the matter of Request for Review of the Decision of the		
Universal Service Administrator by	}	
The North American Family Institute		
Danvers, Massachusetts		
Federal-State Joint Board on Universal Service	}	FCC DOCKET NO. 96-45
Changes to the Board of Directors of the		FCC DOCKET NO. 97-21
National Exchange Carrier Association, Inc.	}	

WAIVER REQUEST

i. Introduction

This is a request for a waiver of the deadline for appeal of a SLD ruling on a 471 application (471 #330398) by the North American Family Institute (NAFI) (billed entity #227003). For the reasons which follow, NAFI respectfully requests that the FCC grant its waiver request

ii. Statement of the Relevant Facts

The North American Family Institute, Inc (NAFI) is a non-profit human service agency with a mission to create diverse and innovative services to help individuals assume control over their lives and become responsible and productive citizens. As a multi-state organization, we deliver a wide array of services for children, adults and families who need guidance, mental health, educational and integrated systems of treatment and support. One significant part of our program is alternative K- 12 schools for youth with special needs. These schools operate under the appropriate state 

departments of education and offer structured instruction in keeping with state curriculum requirements and which lead to high-school diplomas. It is for a number of these school programs in a number of states that we submitted the abovementioned 471 application for E-Rate eligible services. Because our schools are in a different states and utilize a large degree or site-based administration, there are a considerable number of vendors for these services, each chosen to best meet each school's needs.

The SLD denied certain of the funding requests on the subject 471 stating "Applicant has not provided sufficient documentation to determine the eligibility of this item." **NAFI** believes that sufficient information was provided and that all information requested by the SLD during processing of the application was provided in as requested. Therefore, **NAFI** tiled an appeal request in a timely fashion on 02/25/2003 however the U.S. Postal Service unexpectedly delayed delivery of the appeal until 03/03/2003.

iii. **Questions Presented for Review**

1. In reference to the request for a waiver of the appeal deadline the questions to be decided are:
 - a. Whether the appeal was send in a prudent time frame?
 - b. Whether the delays in delivery were beyond the control of NAFI?

iv. **Argument.**

- I. a. **Whether the appeal was send in a prudent time frame?**

NAFI sent the subject appeal by the U.S. Postal Service on 02/25/2003. The appeal was unusually and unexpectedly delayed by the Postal Service until 03/03/2003 (see Postal receipt #1). NAFI contends that posting the appeal on 02/25/2003 was a prudent course of action. We cite two pieces of evidence. First, a second appeal (see attached Postal receipt #2) was filed on the same day. It was received by the SLD in the foreseen time on 02/27/2003. Second, the letters posted by the SLD to NAFI acknowledging receipt of the appeals were also delivered in a timeframe that was consistent with the appropriateness of our action in filing the appeal when we did. All this evidence supports NAFI's contention that it acted in a prudent and reasonable fashion that was well within the E-Rate program rules.

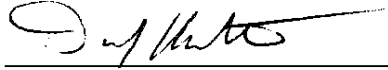
b. Whether the delays in delivery were beyond the control of NAFI??

We believe and assert that the appeal was posted in a reasonable timeframe and that the delivery delays were entirely unexpected and unforeseeable. The delays were beyond the control of NAFI. Neither NAFI nor its students and families should be asked to forgo necessary technology or incur excess expense as a result of delivery delays on the part of the U.S. Postal Service that were beyond NAFI's control.

v. Relief Sought

For the reasons stated above, NAFI respectfully requests that the FCC issue a waiver of the appeal deadline and order that NAFI's appeal be remanded to the SLD for full consideration on its merits.

Respectfully submitted,
THE NORTH AMERICAN FAMILY INSTITUTE

By: 
Daniel Nakamoto
Executive Director of Administration
10 Harbor St
Danvers, MA 01923

Postal receipt #1

7002 2030 0001 9760 8166

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OFFICIAL USE

Whippany, NJ 07981

Postage	\$ 3.85	UNIT ID: 0923
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	EB 25 2008.75	Clerk: KYR7CQ
Restricted Delivery Fee (Endorsement Required)		02/25/03
Total Postage & Fees	USPS 7.90	

Sent To: *Letter of Appeal - SLD*
Street, Apt. No., or PO Box No.: *Box 125, 80 South Jefferson Rd*
City, State, ZIP+4: *Whippany, NJ 07981*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Letter of Appeal
SLD
Box 125 - Correspondence Unit
80 South Jefferson Rd,
Whippany, NJ 07981

2. Article Number (Transfer from service label)

7002 2030 0001 9760 8166

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery *MAR 03 2003*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt 2ACPRI-03-Z-0985

Postal receipt #2

U.S. Postal ServiceTM
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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

UNIT ID: 0923

Postage	\$ 5.30	Postmark Here
Certified Fee	2.30	Clerk: KYR7C9
Return Receipt Fee (Endorsement Required)	1.75	02/25/03
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 9.35	

Sent to
local Letter of Appeal - SLD
Street, Apt. No.,
or PO Box No. Box 125, P.O. South Jefferson Rd
City, State, ZIP+4[®] Whippany, NJ 07981

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Letter of Appeal -
Schools and Libraries Div
Box 125 - Correspondence Unit
80 ~~7~~ South Jefferson Rd
Whippany, NJ 07981

2. Article Number
(Transfer from service label) 7002 2030 0001 4760 8173

COMPLETE THIS SECTION ON DELIVERY

A. Signature of Agent or Addressee
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001 Domestic Return Receipt 2ACPRI-03-Z-0985